

### **REMARKS**

This is in response to the Office Action dated June 23, 2008. In view of the foregoing amendments and following representations, reconsideration is respectfully requested.

By the above amendments, claims 1 and 11 are amended; and claim 13 is newly presented. Thus, claims 1, 3-6 and 8-13 are currently pending in the present application.

On page 2 of the Office Action (item 1), the Examiner takes the position that the term "non-formable" is not support by the originally filed disclosure. In order to expedite prosecution of the present application, the term "non-formable" has been removed from claims 1 and 11 as per the Examiner's requirement. However, it is submitted that the term "non-formable" is inherent in the originally filed disclosure because "the die 24 has a cylindrical inner surface 29 which matches the outer surface 3b of the outer tube 3" (see page 8, lines 26-28 of the specification, as originally filed).

Next, on pages 2-3 (item 2) of the Office Action, claims 1, 3-6 and 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hinshaw (U.S. Patent No. 3,327,513) in view of Fencel (U.S. Patent No. 4,722,216). It is submitted that the present invention, as defined in the present claims, now clearly distinguishes over the Hinshaw and Fencel patents for the following reasons.

None of the cited references discloses a combination of two kinds of operations, e.g. a swaging operation and a special flattening operation for moving a push-die to the blank tube from a radially outward portion to flatten a weld portion on the blank tube.

Further neither of the applied references discloses "withdrawing the cylindrical die from the blank tube, while keeping the mandrel in the blank tube, and moving a push-die to the blank tube".

Further, neither of the applied references discloses "flattening a weld portion on the blank tube by moving one push-die to the blank tube" (see col. 5, lines 11-12 of FencI).

Further, new independent claim 13 requires, *inter alia*, the step of "orienting the blank tube so that the weld bead is positioned in a stroke of a push-die". This limitation is supported at least on page 10, lines 7-21 of the present specification, as originally filed, which states:

"In working the tube end, the blank tube 20 is supported by means of the clamps 32 in the swaging machine, as shown in FIG. 1. More particularly, the blank tube is supported on a rotary mechanism (not shown) which is associated with the swaging machine, and a servo-motor of the rotary mechanism is controlled before the aforementioned clamps 32 support the blank tube, to orient the blank tube 20 so that the weld bead 21 is precisely positioned in a stroke of the push-die 33. Meanwhile, control of the aforementioned rotary mechanism may be made in such a method that a position of the weld bead 21 is detected by means of, for example, a reflective laser sensor to roughly position the blank tube based on this detecting signal, and then precise positioning is achieved through an image processing and a pattern matching." (emphasis added)

It is submitted that neither Hinshaw nor FencI discloses or suggests the step of orienting the blank tube so that the weld bead is positioned in a stroke of a push-die. And therefore claim 13 should be allowable over the collective teaching of Hinshaw and FencI.

In view of the above, it is submitted that the present application is now clearly in condition for allowance. The Examiner therefore is requested to pass this case to issue.

In the event that the Examiner has any comments or suggestions of a nature necessary to place this case in condition for allowance, then the Examiner is requested to contact Applicant's undersigned attorney by telephone to promptly resolve any remaining matters.

Respectfully submitted,

Makoto NISHIMURA et al.

By: 

Michael S. Huppert  
Registration No. 40,268  
Attorney for Applicants

MSH/kjf  
Washington, D.C. 20006-1021  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
November 21, 2008